



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5328

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Requires the revised School Improvement Plan for a school that is initially placed on academic watch status after a fourth annual calculation or that remains on academic watch status after a fifth annual calculation to be approved by the school board and by the school's local school council, if applicable. Provides that a charter school operating within the City of Chicago shall be administered by a local school council. Provides that a local school council shall be established for each attendance center within the Chicago Public School district. Provides that in each attendance center enrolling students in 7th or 8th grade, one full-time student member shall be appointed, although no attendance center shall have more than than one student member. Requires a supermajority of 8 votes by the local school council to veto any action proposed or approved regarding certain schools placed on probation and intervention actions by the Chicago Schools Academic Accountability Council. Provides that the board of education shall provide \$2,500 annually to each local school council for the purposes of training and to procure reasonable and necessary office equipment and supplies as each local school council sees fit. Creates the LSC Certification Commission to provide fundamental training to members of local school councils and certify each member and sets forth its composition. Sets forth a mandatory training program for local school council members. Provides that the LSC Certification Commission may request and, upon such request, the board of education shall budget and distribute such funds as are equal to the total allocations for the certification of local school council members in the year immediately prior. Makes other changes. Effective immediately.

LRB098 18972 OMW 54120 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 2-3.25d, 27A-5, 34-2.1, 34-2.2, 34-2.3, 34-2.3b, 34-2.4b,
6 34-8.3, and 34-8.4 as follows:

7 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

8 Sec. 2-3.25d. Academic early warning and watch status.

9 (a) Beginning with the 2005-2006 school year, unless the
10 federal government formally disapproves of such policy through
11 the submission and review process for the Illinois
12 Accountability Workbook, those schools that do not meet
13 adequate yearly progress criteria for 2 consecutive annual
14 calculations in the same subject or in their participation
15 rate, attendance rate, or graduation rate shall be placed on
16 academic early warning status for the next school year. Schools
17 on academic early warning status that do not meet adequate
18 yearly progress criteria for a third annual calculation in the
19 same subject or in their participation rate, attendance rate,
20 or graduation rate shall remain on academic early warning
21 status. Schools on academic early warning status that do not
22 meet adequate yearly progress criteria for a fourth annual
23 calculation in the same subject or in their participation rate,

1 attendance rate, or graduation rate shall be placed on initial
2 academic watch status. Schools on academic watch status that do
3 not meet adequate yearly progress criteria for a fifth or
4 subsequent annual calculation in the same subject or in their
5 participation rate, attendance rate, or graduation rate shall
6 remain on academic watch status. Schools on academic early
7 warning or academic watch status that meet adequate yearly
8 progress criteria for 2 consecutive calculations shall be
9 considered as having met expectations and shall be removed from
10 any status designation.

11 The school district of a school placed on either academic
12 early warning status or academic watch status may appeal the
13 status to the State Board of Education in accordance with
14 Section 2-3.25m of this Code.

15 A school district that has one or more schools on academic
16 early warning or academic watch status shall prepare a revised
17 School Improvement Plan or amendments thereto setting forth the
18 district's expectations for removing each school from academic
19 early warning or academic watch status and for improving
20 student performance in the affected school or schools.
21 Districts operating under Article 34 of this Code may prepare
22 the School Improvement Plan required under Section 34-2.4 of
23 this Code.

24 The revised School Improvement Plan for a school that is
25 initially placed on academic early warning status or that
26 remains on academic early warning status after a third annual

1 calculation must be approved by the school board (and by the
2 school's local school council in a district operating under
3 Article 34 of this Code, unless the school is on probation
4 pursuant to subsection (c) of Section 34-8.3 of this Code).

5 The revised School Improvement Plan for a school that is
6 initially placed on academic watch status after a fourth annual
7 calculation must be approved by the school board (and by the
8 school's local school council in a district operating under
9 Article 34 of this Code, ~~unless the school is on probation~~
10 ~~pursuant to subsection (c) of Section 34-8.3 of this Code~~).

11 The revised School Improvement Plan for a school that
12 remains on academic watch status after a fifth annual
13 calculation must be approved by the school board (and by the
14 school's local school council in a district operating under
15 Article 34 of this Code, ~~unless the school is on probation~~
16 ~~pursuant to subsection (c) of Section 34-8.3 of this Code~~). In
17 addition, the district must develop a school restructuring plan
18 for the school that must be approved by the school board (and
19 by the school's local school council in a district operating
20 under Article 34 of this Code).

21 A school on academic watch status that does not meet
22 adequate yearly progress criteria for a sixth annual
23 calculation shall implement its approved school restructuring
24 plan beginning with the next school year, subject to the State
25 interventions specified in Section 2-3.25f of this Code.

26 (b) Beginning with the 2005-2006 school year, unless the

1 federal government formally disapproves of such policy through
2 the submission and review process for the Illinois
3 Accountability Workbook, those school districts that do not
4 meet adequate yearly progress criteria for 2 consecutive annual
5 calculations in the same subject or in their participation
6 rate, attendance rate, or graduation rate shall be placed on
7 academic early warning status for the next school year.
8 Districts on academic early warning status that do not meet
9 adequate yearly progress criteria for a third annual
10 calculation in the same subject or in their participation rate,
11 attendance rate, or graduation rate shall remain on academic
12 early warning status. Districts on academic early warning
13 status that do not meet adequate yearly progress criteria for a
14 fourth annual calculation in the same subject or in their
15 participation rate, attendance rate, or graduation rate shall
16 be placed on initial academic watch status. Districts on
17 academic watch status that do not meet adequate yearly progress
18 criteria for a fifth or subsequent annual calculation in the
19 same subject or in their participation rate, attendance rate,
20 or graduation rate shall remain on academic watch status.
21 Districts on academic early warning or academic watch status
22 that meet adequate yearly progress criteria for one annual
23 calculation shall be considered as having met expectations and
24 shall be removed from any status designation.

25 A district placed on either academic early warning status
26 or academic watch status may appeal the status to the State

1 Board of Education in accordance with Section 2-3.25m of this
2 Code.

3 Districts on academic early warning or academic watch
4 status shall prepare a District Improvement Plan or amendments
5 thereto setting forth the district's expectations for removing
6 the district from academic early warning or academic watch
7 status and for improving student performance in the district.

8 All District Improvement Plans must be approved by the
9 school board.

10 (c) All revised School and District Improvement Plans shall
11 be developed in collaboration with parents, staff in the
12 affected school or school district, and outside experts. All
13 revised School and District Improvement Plans shall be
14 developed, submitted, and monitored pursuant to rules adopted
15 by the State Board of Education. The revised Improvement Plan
16 shall address measurable outcomes for improving student
17 performance so that such performance meets adequate yearly
18 progress criteria as specified by the State Board of Education.
19 All school districts required to revise a School Improvement
20 Plan in accordance with this Section shall establish a peer
21 review process for the evaluation of School Improvement Plans.

22 (d) All federal requirements apply to schools and school
23 districts utilizing federal funds under Title I, Part A of the
24 federal Elementary and Secondary Education Act of 1965.

25 (e) The State Board of Education, from any moneys it may
26 have available for this purpose, must implement and administer

1 a grant program that provides 2-year grants to school districts
2 on the academic watch list and other school districts that have
3 the lowest achieving students, as determined by the State Board
4 of Education, to be used to improve student achievement. In
5 order to receive a grant under this program, a school district
6 must establish an accountability program. The accountability
7 program must involve the use of statewide testing standards and
8 local evaluation measures. A grant shall be automatically
9 renewed when achievement goals are met. The Board may adopt any
10 rules necessary to implement and administer this grant program.
11 (Source: P.A. 96-734, eff. 8-25-09.)

12 (105 ILCS 5/27A-5)

13 Sec. 27A-5. Charter school; legal entity; requirements.

14 (a) A charter school shall be a public, nonsectarian,
15 nonreligious, non-home based, and non-profit school. A charter
16 school shall be organized and operated as a nonprofit
17 corporation or other discrete, legal, nonprofit entity
18 authorized under the laws of the State of Illinois.

19 (b) A charter school may be established under this Article
20 by creating a new school or by converting an existing public
21 school or attendance center to charter school status. Beginning
22 on the effective date of this amendatory Act of the 93rd
23 General Assembly, in all new applications submitted to the
24 State Board or a local school board to establish a charter
25 school in a city having a population exceeding 500,000,

1 operation of the charter school shall be limited to one campus.
2 The changes made to this Section by this amendatory Act of the
3 93rd General Assembly do not apply to charter schools existing
4 or approved on or before the effective date of this amendatory
5 Act.

6 (b-5) In this subsection (b-5), "virtual-schooling" means
7 the teaching of courses through online methods with online
8 instructors, rather than the instructor and student being at
9 the same physical location. "Virtual-schooling" includes
10 without limitation instruction provided by full-time, online
11 virtual schools.

12 From April 1, 2013 through April 1, 2014, there is a
13 moratorium on the establishment of charter schools with
14 virtual-schooling components in school districts other than a
15 school district organized under Article 34 of this Code. This
16 moratorium does not apply to a charter school with
17 virtual-schooling components existing or approved prior to
18 April 1, 2013 or to the renewal of the charter of a charter
19 school with virtual-schooling components already approved
20 prior to April 1, 2013.

21 On or before March 1, 2014, the Commission shall submit to
22 the General Assembly a report on the effect of
23 virtual-schooling, including without limitation the effect on
24 student performance, the costs associated with
25 virtual-schooling, and issues with oversight. The report shall
26 include policy recommendations for virtual-schooling.

1 (c) A charter school shall be administered and governed by
2 its board of directors or other governing body in the manner
3 provided in its charter. The governing body of a charter school
4 shall be subject to the Freedom of Information Act and the Open
5 Meetings Act. Any charter school operating within a school
6 district organized under Article 34 of this Code shall be
7 administered by a local school council established pursuant to
8 Section 34-2.1 of this Code, with all the normal and usual
9 powers afforded to a local school council operating in a public
10 school.

11 (d) A charter school shall comply with all applicable
12 health and safety requirements applicable to public schools
13 under the laws of the State of Illinois.

14 (e) Except as otherwise provided in the School Code, a
15 charter school shall not charge tuition; provided that a
16 charter school may charge reasonable fees for textbooks,
17 instructional materials, and student activities.

18 (f) A charter school shall be responsible for the
19 management and operation of its fiscal affairs including, but
20 not limited to, the preparation of its budget. An audit of each
21 charter school's finances shall be conducted annually by an
22 outside, independent contractor retained by the charter
23 school. Annually, by December 1, every charter school must
24 submit to the State Board a copy of its audit and a copy of the
25 Form 990 the charter school filed that year with the federal
26 Internal Revenue Service.

1 (g) A charter school shall comply with all provisions of
2 this Article, the Illinois Educational Labor Relations Act, and
3 its charter. A charter school is exempt from all other State
4 laws and regulations in the School Code governing public
5 schools and local school board policies, except the following:

6 (1) Sections 10-21.9 and 34-18.5 of the School Code
7 regarding criminal history records checks and checks of the
8 Statewide Sex Offender Database and Statewide Murderer and
9 Violent Offender Against Youth Database of applicants for
10 employment;

11 (2) Sections 24-24 and 34-84A of the School Code
12 regarding discipline of students;

13 (3) The Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

18 (5) The Abused and Neglected Child Reporting Act;

19 (6) The Illinois School Student Records Act;

20 (7) Section 10-17a of the School Code regarding school
21 report cards; and

22 (8) The P-20 Longitudinal Education Data System Act.

23 The change made by Public Act 96-104 to this subsection (g)
24 is declaratory of existing law.

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

1 university or public community college, or any other public or
2 for-profit or nonprofit private entity for: (i) the use of a
3 school building and grounds or any other real property or
4 facilities that the charter school desires to use or convert
5 for use as a charter school site, (ii) the operation and
6 maintenance thereof, and (iii) the provision of any service,
7 activity, or undertaking that the charter school is required to
8 perform in order to carry out the terms of its charter.
9 However, a charter school that is established on or after the
10 effective date of this amendatory Act of the 93rd General
11 Assembly and that operates in a city having a population
12 exceeding 500,000 may not contract with a for-profit entity to
13 manage or operate the school during the period that commences
14 on the effective date of this amendatory Act of the 93rd
15 General Assembly and concludes at the end of the 2004-2005
16 school year. Except as provided in subsection (i) of this
17 Section, a school district may charge a charter school
18 reasonable rent for the use of the district's buildings,
19 grounds, and facilities. Any services for which a charter
20 school contracts with a school district shall be provided by
21 the district at cost. Any services for which a charter school
22 contracts with a local school board or with the governing body
23 of a State college or university or public community college
24 shall be provided by the public entity at cost.

25 (i) In no event shall a charter school that is established
26 by converting an existing school or attendance center to

1 charter school status be required to pay rent for space that is
2 deemed available, as negotiated and provided in the charter
3 agreement, in school district facilities. However, all other
4 costs for the operation and maintenance of school district
5 facilities that are used by the charter school shall be subject
6 to negotiation between the charter school and the local school
7 board and shall be set forth in the charter.

8 (j) A charter school may limit student enrollment by age or
9 grade level.

10 (k) If the charter school is approved by the Commission,
11 then the Commission charter school is its own local education
12 agency.

13 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
14 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

15 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

16 Sec. 34-2.1. Local School Councils - Composition -
17 Voter-Eligibility - Elections - Terms.

18 (a) Notwithstanding any other provision of law, a ~~A~~ local
19 school council shall be established for each attendance center
20 within the school district, except for private schools. Each
21 local school council shall consist of the following 12 voting
22 members: the principal of the attendance center, 2 teachers
23 employed and assigned to perform the majority of their
24 employment duties at the attendance center, 6 parents of
25 students currently enrolled at the attendance center, one

1 employee of the school district employed and assigned to
2 perform the majority of his or her employment duties at the
3 attendance center who is not a teacher, and 2 community
4 residents. Neither the parents nor the community residents who
5 serve as members of the local school council shall be employees
6 of the Board of Education. In each secondary attendance center,
7 the local school council shall consist of 13 voting members --
8 the 12 voting members described above and one full-time student
9 member, appointed as provided in subsection (m) below. In each
10 attendance center enrolling students in 7th or 8th grade, one
11 full-time student member shall be appointed as provided in
12 subsection (m) of this Section. In the event that the chief
13 executive officer of the Chicago School Reform Board of
14 Trustees determines that a local school council is not carrying
15 out its financial duties effectively, the chief executive
16 officer is authorized to appoint a representative of the
17 business community with experience in finance and management to
18 serve as an advisor to the local school council for the purpose
19 of providing advice and assistance to the local school council
20 on fiscal matters. The advisor shall have access to relevant
21 financial records of the local school council. The advisor may
22 attend executive sessions. The chief executive officer shall
23 issue a written policy defining the circumstances under which a
24 local school council is not carrying out its financial duties
25 effectively.

26 (b) Within 7 days of January 11, 1991, the Mayor shall

1 appoint the members and officers (a Chairperson who shall be a
2 parent member and a Secretary) of each local school council who
3 shall hold their offices until their successors shall be
4 elected and qualified. Members so appointed shall have all the
5 powers and duties of local school councils as set forth in this
6 amendatory Act of 1991. The Mayor's appointments shall not
7 require approval by the City Council.

8 The membership of each local school council shall be
9 encouraged to be reflective of the racial and ethnic
10 composition of the student population of the attendance center
11 served by the local school council.

12 (c) Beginning with the 1995-1996 school year and in every
13 even-numbered year thereafter, the Board shall set second
14 semester Parent Report Card Pick-up Day for Local School
15 Council elections and may schedule elections at year-round
16 schools for the same dates as the remainder of the school
17 system. Elections shall be conducted as provided herein by the
18 Board of Education in consultation with the local school
19 council at each attendance center.

20 (d) Beginning with the 1995-96 school year, the following
21 procedures shall apply to the election of local school council
22 members at each attendance center:

23 (i) The elected members of each local school council
24 shall consist of the 6 parent members and the 2 community
25 resident members.

26 (ii) Each elected member shall be elected by the

1 eligible voters of that attendance center to serve for a
2 two-year term commencing on July 1 immediately following
3 the election described in subsection (c). Eligible voters
4 for each attendance center shall consist of the parents and
5 community residents for that attendance center.

6 (iii) Each eligible voter shall be entitled to cast one
7 vote for up to a total of 5 candidates, irrespective of
8 whether such candidates are parent or community resident
9 candidates.

10 (iv) Each parent voter shall be entitled to vote in the
11 local school council election at each attendance center in
12 which he or she has a child currently enrolled. Each
13 community resident voter shall be entitled to vote in the
14 local school council election at each attendance center for
15 which he or she resides in the applicable attendance area
16 or voting district, as the case may be.

17 (v) Each eligible voter shall be entitled to vote once,
18 but not more than once, in the local school council
19 election at each attendance center at which the voter is
20 eligible to vote.

21 (vi) The 2 teacher members and the non-teacher employee
22 member of each local school council shall be appointed as
23 provided in subsection (l) below each to serve for a
24 two-year term coinciding with that of the elected parent
25 and community resident members.

26 (vii) At secondary attendance centers and attendance

1 centers enrolling students in 7th or 8th grade, the voting
2 student member shall be appointed as provided in subsection
3 (m) below to serve for a one-year term coinciding with the
4 beginning of the terms of the elected parent and community
5 members of the local school council.

6 (e) The Council shall publicize the date and place of the
7 election by posting notices at the attendance center, in public
8 places within the attendance boundaries of the attendance
9 center and by distributing notices to the pupils at the
10 attendance center, and shall utilize such other means as it
11 deems necessary to maximize the involvement of all eligible
12 voters.

13 (f) Nomination. The Council shall publicize the opening of
14 nominations by posting notices at the attendance center, in
15 public places within the attendance boundaries of the
16 attendance center and by distributing notices to the pupils at
17 the attendance center, and shall utilize such other means as it
18 deems necessary to maximize the involvement of all eligible
19 voters. Not less than 2 weeks before the election date, persons
20 eligible to run for the Council shall submit their name, date
21 of birth, social security number, if available, and some
22 evidence of eligibility to the Council. The Council shall
23 encourage nomination of candidates reflecting the
24 racial/ethnic population of the students at the attendance
25 center. Each person nominated who runs as a candidate shall
26 disclose, in a manner determined by the Board, any economic

1 interest held by such person, by such person's spouse or
2 children, or by each business entity in which such person has
3 an ownership interest, in any contract with the Board, any
4 local school council or any public school in the school
5 district. Each person nominated who runs as a candidate shall
6 also disclose, in a manner determined by the Board, if he or
7 she ever has been convicted of any of the offenses specified in
8 subsection (c) of Section 34-18.5; provided that neither this
9 provision nor any other provision of this Section shall be
10 deemed to require the disclosure of any information that is
11 contained in any law enforcement record or juvenile court
12 record that is confidential or whose accessibility or
13 disclosure is restricted or prohibited under Section 5-901 or
14 5-905 of the Juvenile Court Act of 1987. Failure to make such
15 disclosure shall render a person ineligible for election or to
16 serve on the local school council. The same disclosure shall be
17 required of persons under consideration for appointment to the
18 Council pursuant to subsections (l) and (m) of this Section.

19 (f-5) Notwithstanding disclosure, a person who has been
20 convicted of any of the following offenses at any time shall be
21 ineligible for election or appointment to a local school
22 council and ineligible for appointment to a local school
23 council pursuant to subsections (l) and (m) of this Section:
24 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
25 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
26 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,

1 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
2 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
3 Code of 2012, or (ii) any offense committed or attempted in any
4 other state or against the laws of the United States, which, if
5 committed or attempted in this State, would have been
6 punishable as one or more of the foregoing offenses.
7 Notwithstanding disclosure, a person who has been convicted of
8 any of the following offenses within the 10 years previous to
9 the date of nomination or appointment shall be ineligible for
10 election or appointment to a local school council: (i) those
11 defined in Section 401.1, 405.1, or 405.2 of the Illinois
12 Controlled Substances Act or (ii) any offense committed or
13 attempted in any other state or against the laws of the United
14 States, which, if committed or attempted in this State, would
15 have been punishable as one or more of the foregoing offenses.

16 Immediately upon election or appointment, incoming local
17 school council members shall be required to undergo a criminal
18 background investigation, to be completed prior to the member
19 taking office, in order to identify any criminal convictions
20 under the offenses enumerated in Section 34-18.5. The
21 investigation shall be conducted by the Department of State
22 Police in the same manner as provided for in Section 34-18.5.
23 However, notwithstanding Section 34-18.5, the social security
24 number shall be provided only if available. If it is determined
25 at any time that a local school council member or member-elect
26 has been convicted of any of the offenses enumerated in this

1 Section or failed to disclose a conviction of any of the
2 offenses enumerated in Section 34-18.5, the general
3 superintendent shall notify the local school council member or
4 member-elect of such determination and the local school council
5 member or member-elect shall be removed from the local school
6 council by the Board, subject to a hearing, convened pursuant
7 to Board rule, prior to removal.

8 (g) At least one week before the election date, the Council
9 shall publicize, in the manner provided in subsection (e), the
10 names of persons nominated for election.

11 (h) Voting shall be in person by secret ballot at the
12 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

13 (i) Candidates receiving the highest number of votes shall
14 be declared elected by the Council. In cases of a tie, the
15 Council shall determine the winner by lot.

16 (j) The Council shall certify the results of the election
17 and shall publish the results in the minutes of the Council.

18 (k) The general superintendent shall resolve any disputes
19 concerning election procedure or results and shall ensure that,
20 except as provided in subsections (e) and (g), no resources of
21 any attendance center shall be used to endorse or promote any
22 candidate.

23 (l) Beginning with the 1995-1996 school year and in every
24 even numbered year thereafter, the Board shall appoint 2
25 teacher members to each local school council. These
26 appointments shall be made in the following manner:

1 (i) The Board shall appoint 2 teachers who are employed
2 and assigned to perform the majority of their employment
3 duties at the attendance center to serve on the local
4 school council of the attendance center for a two-year term
5 coinciding with the terms of the elected parent and
6 community members of that local school council. These
7 appointments shall be made from among those teachers who
8 are nominated in accordance with subsection (f).

9 (ii) A non-binding, advisory poll to ascertain the
10 preferences of the school staff regarding appointments of
11 teachers to the local school council for that attendance
12 center shall be conducted in accordance with the procedures
13 used to elect parent and community Council
14 representatives. At such poll, each member of the school
15 staff shall be entitled to indicate his or her preference
16 for up to 2 candidates from among those who submitted
17 statements of candidacy as described above. These
18 preferences shall be advisory only and the Board shall
19 maintain absolute discretion to appoint teacher members to
20 local school councils, irrespective of the preferences
21 expressed in any such poll.

22 (iii) In the event that a teacher representative is
23 unable to perform his or her employment duties at the
24 school due to illness, disability, leave of absence,
25 disciplinary action, or any other reason, the Board shall
26 declare a temporary vacancy and appoint a replacement

1 teacher representative to serve on the local school council
2 until such time as the teacher member originally appointed
3 pursuant to this subsection (l) resumes service at the
4 attendance center or for the remainder of the term. The
5 replacement teacher representative shall be appointed in
6 the same manner and by the same procedures as teacher
7 representatives are appointed in subdivisions (i) and (ii)
8 of this subsection (l).

9 (m) Beginning with the 1995-1996 school year, and in every
10 year thereafter, the Board shall appoint one student member to
11 each secondary attendance center and attendance center
12 enrolling students in 7th or 8th grade, although no attendance
13 center shall have more than one student member. These
14 appointments shall be made in the following manner:

15 (i) Appointments shall be made from among those
16 students who submit statements of candidacy to the
17 principal of the attendance center, such statements to be
18 submitted commencing on the first day of the twentieth week
19 of school and continuing for 2 weeks thereafter. The form
20 and manner of such candidacy statements shall be determined
21 by the Board.

22 (ii) During the twenty-second week of school in every
23 year, the principal of each attendance center shall conduct
24 a non-binding, advisory poll to ascertain the preferences
25 of the school students regarding the appointment of a
26 student to the local school council for that attendance

1 center. At such poll, each student shall be entitled to
2 indicate his or her preference for up to one candidate from
3 among those who submitted statements of candidacy as
4 described above. The Board shall promulgate rules to ensure
5 that these non-binding, advisory polls are conducted in a
6 fair and equitable manner and maximize the involvement of
7 all school students. The preferences expressed in these
8 non-binding, advisory polls shall be transmitted by the
9 principal to the Board. However, these preferences shall be
10 advisory only and the Board shall maintain absolute
11 discretion to appoint student members to local school
12 councils, irrespective of the preferences expressed in any
13 such poll.

14 (iii) For the 1995-96 school year only, appointments
15 shall be made from among those students who submitted
16 statements of candidacy to the principal of the attendance
17 center during the first 2 weeks of the school year. The
18 principal shall communicate the results of any nonbinding,
19 advisory poll to the Board. These results shall be advisory
20 only, and the Board shall maintain absolute discretion to
21 appoint student members to local school councils,
22 irrespective of the preferences expressed in any such poll.

23 (n) The Board may promulgate such other rules and
24 regulations for election procedures as may be deemed necessary
25 to ensure fair elections.

26 (o) In the event that a vacancy occurs during a member's

1 term, the Council shall appoint a person eligible to serve on
2 the Council, to fill the unexpired term created by the vacancy,
3 except that any teacher vacancy shall be filled by the Board
4 after considering the preferences of the school staff as
5 ascertained through a non-binding advisory poll of school
6 staff.

7 (p) If less than the specified number of persons is elected
8 within each candidate category, the newly elected local school
9 council shall appoint eligible persons to serve as members of
10 the Council for two-year terms.

11 (q) The Board shall promulgate rules regarding conflicts of
12 interest and disclosure of economic interests which shall apply
13 to local school council members and which shall require reports
14 or statements to be filed by Council members at regular
15 intervals with the Secretary of the Board. Failure to comply
16 with such rules or intentionally falsifying such reports shall
17 be grounds for disqualification from local school council
18 membership. A vacancy on the Council for disqualification may
19 be so declared by the Secretary of the Board. Rules regarding
20 conflicts of interest and disclosure of economic interests
21 promulgated by the Board shall apply to local school council
22 members. No less than 45 days prior to the deadline, the
23 general superintendent shall provide notice, by mail, to each
24 local school council member of all requirements and forms for
25 compliance with economic interest statements.

26 (r) (1) If a parent member of a local school council ceases

1 to have any child enrolled in the attendance center governed by
2 the Local School Council due to the graduation or voluntary
3 transfer of a child or children from the attendance center, the
4 parent's membership on the Local School Council and all voting
5 rights are terminated immediately as of the date of the child's
6 graduation or voluntary transfer. If the child of a parent
7 member of a local school council dies during the member's term
8 in office, the member may continue to serve on the local school
9 council for the balance of his or her term. Further, a local
10 school council member may be removed from the Council by a
11 majority vote of the Council as provided in subsection (c) of
12 Section 34-2.2 if the Council member has missed 3 consecutive
13 regular meetings, not including committee meetings, or 5
14 regular meetings in a 12 month period, not including committee
15 meetings. If a parent member of a local school council ceases
16 to be eligible to serve on the Council for any other reason, he
17 or she shall be removed by the Board subject to a hearing,
18 convened pursuant to Board rule, prior to removal. A vote to
19 remove a Council member by the local school council shall only
20 be valid if the Council member has been notified personally or
21 by certified mail, mailed to the person's last known address,
22 of the Council's intent to vote on the Council member's removal
23 at least 7 days prior to the vote. The Council member in
24 question shall have the right to explain his or her actions and
25 shall be eligible to vote on the question of his or her removal
26 from the Council. The provisions of this subsection shall be

1 contained within the petitions used to nominate Council
2 candidates.

3 (2) A person may continue to serve as a community resident
4 member of a local school council as long as he or she resides
5 in the attendance area served by the school and is not employed
6 by the Board nor is a parent of a student enrolled at the
7 school. If a community resident member ceases to be eligible to
8 serve on the Council, he or she shall be removed by the Board
9 subject to a hearing, convened pursuant to Board rule, prior to
10 removal.

11 (3) A person may continue to serve as a teacher member of a
12 local school council as long as he or she is employed and
13 assigned to perform a majority of his or her duties at the
14 school, provided that if the teacher representative resigns
15 from employment with the Board or voluntarily transfers to
16 another school, the teacher's membership on the local school
17 council and all voting rights are terminated immediately as of
18 the date of the teacher's resignation or upon the date of the
19 teacher's voluntary transfer to another school. If a teacher
20 member of a local school council ceases to be eligible to serve
21 on a local school council for any other reason, that member
22 shall be removed by the Board subject to a hearing, convened
23 pursuant to Board rule, prior to removal.

24 (Source: P.A. 96-1412, eff. 1-1-11; 96-1551, eff. 7-1-11;
25 97-1150, eff. 1-25-13.)

1 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

2 Sec. 34-2.2. Local school councils - Manner of operation.

3 (a) The annual organizational meeting of each local school
4 council shall be held at the attendance center. At the annual
5 organization meeting, which shall be held no sooner than July 1
6 and no later than July 14, a parent member of the local school
7 council shall be selected by the members of such council as its
8 chairperson, and a secretary shall be selected by the members
9 of such council from among their number, each to serve a term
10 of one year. Whenever a vacancy in the office of chairperson or
11 secretary of a local school council shall occur, a new
12 chairperson (who shall be a parent member) or secretary, as the
13 case may be, shall be elected by the members of the local
14 school council from among their number to serve as such
15 chairperson or secretary for the unexpired term of office in
16 which the vacancy occurs. At each annual organizational
17 meeting, the time and place of any regular meetings of the
18 local school council shall be fixed. Special meetings of the
19 local school council may be called by the chairperson or by any
20 4 members by giving notice thereof in writing, specifying the
21 time, place and purpose of the meeting. Public notice of
22 meetings shall also be given in accordance with the Open
23 Meetings Act.

24 (b) Members and officers of the local school council shall
25 serve without compensation and without reimbursement of any
26 expenses incurred in the performance of their duties, except

1 that the board of education may by rule establish a procedure
2 and thereunder provide for reimbursement of members and
3 officers of local school councils for such of their reasonable
4 and necessary expenses (excluding any lodging or meal expenses)
5 incurred in the performance of their duties as the board may
6 deem appropriate.

7 (c) A majority of the full membership of the local school
8 council shall constitute a quorum, and whenever a vote is taken
9 on any measure before the local school council, a quorum being
10 present, the affirmative vote of a majority of the votes of the
11 full membership then serving of the local school council shall
12 determine the outcome thereof; provided that whenever the
13 measure before the local school council is (i) the evaluation
14 of the principal, or (ii) the renewal of his or her performance
15 contract or the inclusion of any provision or modification of
16 the contract, or (iii) the direct selection by the local school
17 council of a new principal (including a new principal to fill a
18 vacancy) to serve under a 4 year performance contract, or (iv)
19 the determination of the names of candidates to be submitted to
20 the general superintendent for the position of principal, the
21 principal and student member of a high school council shall not
22 be counted for purposes of determining whether a quorum is
23 present to act on the measure and shall have no vote thereon;
24 and provided further that 7 affirmative votes of the local
25 school council shall be required for the direct selection by
26 the local school council of a new principal to serve under a 4

1 year performance contract but not for the renewal of a
2 principal's performance contract. A supermajority of 8 votes is
3 required to veto any action proposed or approved pursuant to
4 subsection (d) of Section 34-8.3 of this Code or any action
5 proposed or approved under Section 34-8.4 of this Code.

6 (d) Student members ~~of high school councils~~ shall not be
7 eligible to vote on personnel matters, including but not
8 limited to principal evaluations and contracts and the
9 allocation of teaching and staff resources.

10 (e) The local school council of an attendance center which
11 provides bilingual education shall be encouraged to provide
12 translators at each council meeting to maximize participation
13 of parents and the community.

14 (f) Each local school council of an attendance center which
15 provides bilingual education shall create a Bilingual Advisory
16 Committee or recognize an existing Bilingual Advisory
17 Committee as a standing committee. The Chair and a majority of
18 the members of the advisory committee shall be parents of
19 students in the bilingual education program. The parents on the
20 advisory committee shall be selected by parents of students in
21 the bilingual education program, and the committee shall select
22 a Chair. The advisory committee for each secondary attendance
23 center shall include at least one full-time bilingual education
24 student. The Bilingual Advisory Committee shall serve only in
25 an advisory capacity to the local school council.

26 (g) Local school councils may utilize the services of an

1 arbitration board to resolve intra-council disputes.

2 (Source: P.A. 91-622, eff. 8-19-99.)

3 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

4 Sec. 34-2.3. Local school councils - Powers and duties.

5 Each local school council shall have and exercise, consistent
6 with the provisions of this Article and the powers and duties
7 of the board of education, the following powers and duties:

8 1. (A) To annually evaluate the performance of the
9 principal of the attendance center using a Board approved
10 principal evaluation form, which shall include the evaluation
11 of (i) student academic improvement, as defined by the school
12 improvement plan, (ii) student absenteeism rates at the school,
13 (iii) instructional leadership, (iv) the effective
14 implementation of programs, policies, or strategies to improve
15 student academic achievement, (v) school management, and (vi)
16 any other factors deemed relevant by the local school council,
17 including, without limitation, the principal's communication
18 skills and ability to create and maintain a student-centered
19 learning environment, to develop opportunities for
20 professional development, and to encourage parental
21 involvement and community partnerships to achieve school
22 improvement;

23 (B) to determine in the manner provided by subsection (c)
24 of Section 34-2.2 and subdivision 1.5 of this Section whether
25 the performance contract of the principal shall be renewed; and

1 (C) to directly select, in the manner provided by
2 subsection (c) of Section 34-2.2, a new principal (including a
3 new principal to fill a vacancy) -- without submitting any list
4 of candidates for that position to the general superintendent
5 as provided in paragraph 2 of this Section -- to serve under a
6 4 year performance contract; provided that (i) the
7 determination of whether the principal's performance contract
8 is to be renewed, based upon the evaluation required by
9 subdivision 1.5 of this Section, shall be made no later than
10 150 days prior to the expiration of the current
11 performance-based contract of the principal, (ii) in cases
12 where such performance contract is not renewed -- a direct
13 selection of a new principal -- to serve under a 4 year
14 performance contract shall be made by the local school council
15 no later than 45 days prior to the expiration of the current
16 performance contract of the principal, and (iii) a selection by
17 the local school council of a new principal to fill a vacancy
18 under a 4 year performance contract shall be made within 90
19 days after the date such vacancy occurs. A Council shall be
20 required, if requested by the principal, to provide in writing
21 the reasons for the council's not renewing the principal's
22 contract.

23 1.5. The local school council's determination of whether to
24 renew the principal's contract shall be based on an evaluation
25 to assess the educational and administrative progress made at
26 the school during the principal's current performance-based

1 contract. The local school council shall base its evaluation on
2 (i) student academic improvement, as defined by the school
3 improvement plan, (ii) student absenteeism rates at the school,
4 (iii) instructional leadership, (iv) the effective
5 implementation of programs, policies, or strategies to improve
6 student academic achievement, (v) school management, and (vi)
7 any other factors deemed relevant by the local school council,
8 including, without limitation, the principal's communication
9 skills and ability to create and maintain a student-centered
10 learning environment, to develop opportunities for
11 professional development, and to encourage parental
12 involvement and community partnerships to achieve school
13 improvement. If a local school council fails to renew the
14 performance contract of a principal rated by the general
15 superintendent, or his or her designee, in the previous years'
16 evaluations as meeting or exceeding expectations, the
17 principal, within 15 days after the local school council's
18 decision not to renew the contract, may request a review of the
19 local school council's principal non-retention decision by a
20 hearing officer appointed by the American Arbitration
21 Association. A local school council member or members or the
22 general superintendent may support the principal's request for
23 review. During the period of the hearing officer's review of
24 the local school council's decision on whether or not to retain
25 the principal, the local school council shall maintain all
26 authority to search for and contract with a person to serve as

1 interim or acting principal, or as the principal of the
2 attendance center under a 4-year performance contract,
3 provided that any performance contract entered into by the
4 local school council shall be voidable or modified in
5 accordance with the decision of the hearing officer. The
6 principal may request review only once while at that attendance
7 center. If a local school council renews the contract of a
8 principal who failed to obtain a rating of "meets" or "exceeds
9 expectations" in the general superintendent's evaluation for
10 the previous year, the general superintendent, within 15 days
11 after the local school council's decision to renew the
12 contract, may request a review of the local school council's
13 principal retention decision by a hearing officer appointed by
14 the American Arbitration Association. The general
15 superintendent may request a review only once for that
16 principal at that attendance center. All requests to review the
17 retention or non-retention of a principal shall be submitted to
18 the general superintendent, who shall, in turn, forward such
19 requests, within 14 days of receipt, to the American
20 Arbitration Association. The general superintendent shall send
21 a contemporaneous copy of the request that was forwarded to the
22 American Arbitration Association to the principal and to each
23 local school council member and shall inform the local school
24 council of its rights and responsibilities under the
25 arbitration process, including the local school council's
26 right to representation and the manner and process by which the

1 Board shall pay the costs of the council's representation. If
2 the local school council retains the principal and the general
3 superintendent requests a review of the retention decision, the
4 local school council and the general superintendent shall be
5 considered parties to the arbitration, a hearing officer shall
6 be chosen between those 2 parties pursuant to procedures
7 promulgated by the State Board of Education, and the principal
8 may retain counsel and participate in the arbitration. If the
9 local school council does not retain the principal and the
10 principal requests a review of the retention decision, the
11 local school council and the principal shall be considered
12 parties to the arbitration and a hearing officer shall be
13 chosen between those 2 parties pursuant to procedures
14 promulgated by the State Board of Education. The hearing shall
15 begin (i) within 45 days after the initial request for review
16 is submitted by the principal to the general superintendent or
17 (ii) if the initial request for review is made by the general
18 superintendent, within 45 days after that request is mailed to
19 the American Arbitration Association. The hearing officer
20 shall render a decision within 45 days after the hearing begins
21 and within 90 days after the initial request for review. The
22 Board shall contract with the American Arbitration Association
23 for all of the hearing officer's reasonable and necessary
24 costs. In addition, the Board shall pay any reasonable costs
25 incurred by a local school council for representation before a
26 hearing officer.

1 1.10. The hearing officer shall conduct a hearing, which
2 shall include (i) a review of the principal's performance,
3 evaluations, and other evidence of the principal's service at
4 the school, (ii) reasons provided by the local school council
5 for its decision, and (iii) documentation evidencing views of
6 interested persons, including, without limitation, students,
7 parents, local school council members, school faculty and
8 staff, the principal, the general superintendent or his or her
9 designee, and members of the community. The burden of proof in
10 establishing that the local school council's decision was
11 arbitrary and capricious shall be on the party requesting the
12 arbitration, and this party shall sustain the burden by a
13 preponderance of the evidence. The hearing officer shall set
14 the local school council decision aside if that decision, in
15 light of the record developed at the hearing, is arbitrary and
16 capricious. The decision of the hearing officer may not be
17 appealed to the Board or the State Board of Education. If the
18 hearing officer decides that the principal shall be retained,
19 the retention period shall not exceed 2 years.

20 2. In the event (i) the local school council does not renew
21 the performance contract of the principal, or the principal
22 fails to receive a satisfactory rating as provided in
23 subsection (h) of Section 34-8.3, or the principal is removed
24 for cause during the term of his or her performance contract in
25 the manner provided by Section 34-85, or a vacancy in the
26 position of principal otherwise occurs prior to the expiration

1 of the term of a principal's performance contract, and (ii) the
2 local school council fails to directly select a new principal
3 to serve under a 4 year performance contract, the local school
4 council in such event shall submit to the general
5 superintendent a list of 3 candidates -- listed in the local
6 school council's order of preference -- for the position of
7 principal, one of which shall be selected by the general
8 superintendent to serve as principal of the attendance center.
9 If the general superintendent fails or refuses to select one of
10 the candidates on the list to serve as principal within 30 days
11 after being furnished with the candidate list, the general
12 superintendent shall select and place a principal on an interim
13 basis (i) for a period not to exceed one year or (ii) until the
14 local school council selects a new principal with 7 affirmative
15 votes as provided in subsection (c) of Section 34-2.2,
16 whichever occurs first. If the local school council fails or
17 refuses to select and appoint a new principal, as specified by
18 subsection (c) of Section 34-2.2, the general superintendent
19 may select and appoint a new principal on an interim basis for
20 an additional year or until a new contract principal is
21 selected by the local school council. There shall be no
22 discrimination on the basis of race, sex, creed, color or
23 disability unrelated to ability to perform in connection with
24 the submission of candidates for, and the selection of a
25 candidate to serve as principal of an attendance center. No
26 person shall be directly selected, listed as a candidate for,

1 or selected to serve as principal of an attendance center (i)
2 if such person has been removed for cause from employment by
3 the Board or (ii) if such person does not hold a valid
4 administrative certificate issued or exchanged under Article
5 21 and endorsed as required by that Article for the position of
6 principal. A principal whose performance contract is not
7 renewed as provided under subsection (c) of Section 34-2.2 may
8 nevertheless, if otherwise qualified and certified as herein
9 provided and if he or she has received a satisfactory rating as
10 provided in subsection (h) of Section 34-8.3, be included by a
11 local school council as one of the 3 candidates listed in order
12 of preference on any candidate list from which one person is to
13 be selected to serve as principal of the attendance center
14 under a new performance contract. The initial candidate list
15 required to be submitted by a local school council to the
16 general superintendent in cases where the local school council
17 does not renew the performance contract of its principal and
18 does not directly select a new principal to serve under a 4
19 year performance contract shall be submitted not later than 30
20 days prior to the expiration of the current performance
21 contract. In cases where the local school council fails or
22 refuses to submit the candidate list to the general
23 superintendent no later than 30 days prior to the expiration of
24 the incumbent principal's contract, the general superintendent
25 may appoint a principal on an interim basis for a period not to
26 exceed one year, during which time the local school council

1 shall be able to select a new principal with 7 affirmative
2 votes as provided in subsection (c) of Section 34-2.2. In cases
3 where a principal is removed for cause or a vacancy otherwise
4 occurs in the position of principal and the vacancy is not
5 filled by direct selection by the local school council, the
6 candidate list shall be submitted by the local school council
7 to the general superintendent within 90 days after the date
8 such removal or vacancy occurs. In cases where the local school
9 council fails or refuses to submit the candidate list to the
10 general superintendent within 90 days after the date of the
11 vacancy, the general superintendent may appoint a principal on
12 an interim basis for a period of one year, during which time
13 the local school council shall be able to select a new
14 principal with 7 affirmative votes as provided in subsection
15 (c) of Section 34-2.2.

16 2.5. Whenever a vacancy in the office of a principal occurs
17 for any reason, the vacancy shall be filled in the manner
18 provided by this Section by the selection of a new principal to
19 serve under a 4 year performance contract.

20 3. To establish additional criteria to be included as part
21 of the performance contract of its principal, provided that
22 such additional criteria shall not discriminate on the basis of
23 race, sex, creed, color or disability unrelated to ability to
24 perform, and shall not be inconsistent with the uniform 4 year
25 performance contract for principals developed by the board as
26 provided in Section 34-8.1 of the School Code or with other

1 provisions of this Article governing the authority and
2 responsibility of principals.

3 4. To approve the expenditure plan prepared by the
4 principal with respect to all funds allocated and distributed
5 to the attendance center by the Board. The expenditure plan
6 shall be administered by the principal. Notwithstanding any
7 other provision of this Act or any other law, any expenditure
8 plan approved and administered under this Section 34-2.3 shall
9 be consistent with and subject to the terms of any contract for
10 services with a third party entered into by the Chicago School
11 Reform Board of Trustees or the board under this Act.

12 Via a supermajority vote of 7 members of the local school
13 council or 8 members of a high school local school council, the
14 Council may transfer allocations pursuant to Section 34-2.3
15 within funds; provided that such a transfer is consistent with
16 applicable law and collective bargaining agreements.

17 Beginning in fiscal year 1991 and in each fiscal year
18 thereafter, the Board may reserve up to 1% of its total fiscal
19 year budget for distribution on a prioritized basis to schools
20 throughout the school system in order to assure adequate
21 programs to meet the needs of special student populations as
22 determined by the Board. This distribution shall take into
23 account the needs catalogued in the Systemwide Plan and the
24 various local school improvement plans of the local school
25 councils. Information about these centrally funded programs
26 shall be distributed to the local school councils so that their

1 subsequent planning and programming will account for these
2 provisions.

3 Beginning in fiscal year 1991 and in each fiscal year
4 thereafter, from other amounts available in the applicable
5 fiscal year budget, the board shall allocate a lump sum amount
6 to each local school based upon such formula as the board shall
7 determine taking into account the special needs of the student
8 body. The local school principal shall develop an expenditure
9 plan in consultation with the local school council, the
10 professional personnel leadership committee and with all other
11 school personnel, which reflects the priorities and activities
12 as described in the school's local school improvement plan and
13 is consistent with applicable law and collective bargaining
14 agreements and with board policies and standards; however, the
15 local school council shall have the right to request waivers of
16 board policy from the board of education and waivers of
17 employee collective bargaining agreements pursuant to Section
18 34-8.1a.

19 The expenditure plan developed by the principal with
20 respect to amounts available from the fund for prioritized
21 special needs programs and the allocated lump sum amount must
22 be approved by the local school council.

23 The lump sum allocation shall take into account the
24 following principles:

25 a. Teachers: Each school shall be allocated funds equal
26 to the amount appropriated in the previous school year for

1 compensation for teachers (regular grades kindergarten
2 through 12th grade) plus whatever increases in
3 compensation have been negotiated contractually or through
4 longevity as provided in the negotiated agreement.
5 Adjustments shall be made due to layoff or reduction in
6 force, lack of funds or work, change in subject
7 requirements, enrollment changes, or contracts with third
8 parties for the performance of services or to rectify any
9 inconsistencies with system-wide allocation formulas or
10 for other legitimate reasons.

11 b. Other personnel: Funds for other teacher
12 certificated and uncertificated personnel paid through
13 non-categorical funds shall be provided according to
14 system-wide formulas based on student enrollment and the
15 special needs of the school as determined by the Board.

16 c. Non-compensation items: Appropriations for all
17 non-compensation items shall be based on system-wide
18 formulas based on student enrollment and on the special
19 needs of the school or factors related to the physical
20 plant, including but not limited to textbooks, electronic
21 textbooks and the technological equipment necessary to
22 gain access to and use electronic textbooks, supplies,
23 electricity, equipment, and routine maintenance.

24 d. Funds for categorical programs: Schools shall
25 receive personnel and funds based on, and shall use such
26 personnel and funds in accordance with State and Federal

1 requirements applicable to each categorical program
2 provided to meet the special needs of the student body
3 (including but not limited to, Federal Chapter I,
4 Bilingual, and Special Education).

5 d.1. Funds for State Title I: Each school shall receive
6 funds based on State and Board requirements applicable to
7 each State Title I pupil provided to meet the special needs
8 of the student body. Each school shall receive the
9 proportion of funds as provided in Section 18-8 to which
10 they are entitled. These funds shall be spent only with the
11 budgetary approval of the Local School Council as provided
12 in Section 34-2.3.

13 e. The Local School Council shall have the right to
14 request the principal to close positions and open new ones
15 consistent with the provisions of the local school
16 improvement plan provided that these decisions are
17 consistent with applicable law and collective bargaining
18 agreements. If a position is closed, pursuant to this
19 paragraph, the local school shall have for its use the
20 system-wide average compensation for the closed position.

21 f. Operating within existing laws and collective
22 bargaining agreements, the local school council shall have
23 the right to direct the principal to shift expenditures
24 within funds.

25 g. (Blank).

26 Any funds unexpended at the end of the fiscal year shall be

1 available to the board of education for use as part of its
2 budget for the following fiscal year.

3 5. To make recommendations to the principal concerning
4 textbook selection and concerning curriculum developed
5 pursuant to the school improvement plan which is consistent
6 with systemwide curriculum objectives in accordance with
7 Sections 34-8 and 34-18 of the School Code and in conformity
8 with the collective bargaining agreement.

9 6. To advise the principal concerning the attendance and
10 disciplinary policies for the attendance center, subject to the
11 provisions of this Article and Article 26, and consistent with
12 the uniform system of discipline established by the board
13 pursuant to Section 34-19.

14 7. To approve a school improvement plan developed as
15 provided in Section 34-2.4. The process and schedule for plan
16 development shall be publicized to the entire school community,
17 and the community shall be afforded the opportunity to make
18 recommendations concerning the plan. At least twice a year the
19 principal and local school council shall report publicly on
20 progress and problems with respect to plan implementation.

21 8. To evaluate the allocation of teaching resources and
22 other certificated and uncertificated staff to the attendance
23 center to determine whether such allocation is consistent with
24 and in furtherance of instructional objectives and school
25 programs reflective of the school improvement plan adopted for
26 the attendance center; and to make recommendations to the

1 board, the general superintendent and the principal concerning
2 any reallocation of teaching resources or other staff whenever
3 the council determines that any such reallocation is
4 appropriate because the qualifications of any existing staff at
5 the attendance center do not adequately match or support
6 instructional objectives or school programs which reflect the
7 school improvement plan.

8 9. To make recommendations to the principal and the general
9 superintendent concerning their respective appointments, after
10 August 31, 1989, and in the manner provided by Section 34-8 and
11 Section 34-8.1, of persons to fill any vacant, additional or
12 newly created positions for teachers at the attendance center
13 or at attendance centers which include the attendance center
14 served by the local school council.

15 10. To request of the Board the manner in which training
16 and assistance shall be provided to the local school council.
17 Pursuant to Board guidelines a local school council is
18 authorized to direct the Board of Education to contract with
19 personnel or not-for-profit organizations not associated with
20 the school district to train or assist council members. If
21 training or assistance is provided by contract with personnel
22 or organizations not associated with the school district, the
23 period of training or assistance shall not exceed 30 hours
24 during a given school year; person shall not be employed on a
25 continuous basis longer than said period and shall not have
26 been employed by the Chicago Board of Education within the

1 preceding six months. Council members shall receive training in
2 at least the following areas:

3 1. school budgets;

4 2. educational theory pertinent to the attendance
5 center's particular needs, including the development of
6 the school improvement plan and the principal's
7 performance contract; and

8 3. personnel selection.

9 Council members shall, to the greatest extent possible,
10 complete such training within 90 days of election.

11 To assist the local school councils, the board of education
12 shall provide \$2,500 annually to each local school council for
13 the purposes of training and to procure reasonable and
14 necessary office equipment and supplies as each local school
15 council sees fit.

16 11. In accordance with systemwide guidelines contained in
17 the System-Wide Educational Reform Goals and Objectives Plan,
18 criteria for evaluation of performance shall be established for
19 local school councils and local school council members. If a
20 local school council persists in noncompliance with systemwide
21 requirements, the Board may impose sanctions and take necessary
22 corrective action, consistent with Section 34-8.3. Any such
23 action allowed for or taken pursuant to subsection (d) of
24 Section 34-8.3 or Section 34-8.4 of this Code must be vetoed by
25 a supermajority of 8 of the voting members of the local school
26 council.

1 12. Each local school council shall comply with the Open
2 Meetings Act and the Freedom of Information Act. Each local
3 school council shall issue and transmit to its school community
4 a detailed annual report accounting for its activities
5 programmatically and financially. Each local school council
6 shall convene at least 2 well-publicized meetings annually with
7 its entire school community. These meetings shall include
8 presentation of the proposed local school improvement plan, of
9 the proposed school expenditure plan, and the annual report,
10 and shall provide an opportunity for public comment.

11 13. Each local school council is encouraged to involve
12 additional non-voting members of the school community in
13 facilitating the council's exercise of its responsibilities.

14 14. The local school council may adopt a school uniform or
15 dress code policy that governs the attendance center and that
16 is necessary to maintain the orderly process of a school
17 function or prevent endangerment of student health or safety,
18 consistent with the policies and rules of the Board of
19 Education. A school uniform or dress code policy adopted by a
20 local school council: (i) shall not be applied in such manner
21 as to discipline or deny attendance to a transfer student or
22 any other student for noncompliance with that policy during
23 such period of time as is reasonably necessary to enable the
24 student to acquire a school uniform or otherwise comply with
25 the dress code policy that is in effect at the attendance
26 center into which the student's enrollment is transferred; and

1 (ii) shall include criteria and procedures under which the
2 local school council will accommodate the needs of or otherwise
3 provide appropriate resources to assist a student from an
4 indigent family in complying with an applicable school uniform
5 or dress code policy. A student whose parents or legal
6 guardians object on religious grounds to the student's
7 compliance with an applicable school uniform or dress code
8 policy shall not be required to comply with that policy if the
9 student's parents or legal guardians present to the local
10 school council a signed statement of objection detailing the
11 grounds for the objection.

12 15. All decisions made and actions taken by the local
13 school council in the exercise of its powers and duties shall
14 comply with State and federal laws, all applicable collective
15 bargaining agreements, court orders and rules properly
16 promulgated by the Board.

17 15a. To grant, in accordance with board rules and policies,
18 the use of assembly halls and classrooms when not otherwise
19 needed, including lighting, heat, and attendants, for public
20 lectures, concerts, and other educational and social
21 activities.

22 15b. To approve, in accordance with board rules and
23 policies, receipts and expenditures for all internal accounts
24 of the attendance center, and to approve all fund-raising
25 activities by nonschool organizations that use the school
26 building.

1 16. (Blank).

2 17. Names and addresses of local school council members
3 shall be a matter of public record.

4 (Source: P.A. 96-1403, eff. 7-29-10.)

5 (105 ILCS 5/34-2.3b)

6 Sec. 34-2.3b. Local School Council Training.

7 (a) The LSC Certification Commission, an independent
8 commission, is established to provide fundamental training to
9 members of local school councils and certify each member. The
10 LSC Certification Commission shall be comprised of
11 representatives from the Chicago public school system and
12 representatives from organizations that have provided training
13 to local school council members on and after January 23, 2014.
14 ~~The board shall collaborate with universities and other~~
15 ~~interested entities and individuals to offer training to local~~
16 ~~school council members on topics relevant to school operations~~
17 ~~and their responsibilities as local school council members,~~
18 ~~including but not limited to legal requirements, role~~
19 ~~differentiation, responsibilities, and authorities, and~~
20 ~~improving student achievement.~~

21 (b) Training of local school council members shall be
22 provided at the direction of the LSC Certification Commission,
23 which shall work with universities and other interested
24 entities to develop and administer a required 3-day training
25 program for local school council members ~~board in consultation~~

1 ~~with the Council of Chicago-area Deans of Education.~~ Incoming
2 local school council members shall be required to complete a
3 3-day training program provided under this Section within 6
4 months of taking office. The LSC Certification Commission ~~board~~
5 shall monitor the compliance of incoming local school council
6 members with the 3-day training program requirement
7 established by this Section.

8 (c) At the direction of the LSC Certification Commission,
9 the ~~The~~ board shall declare vacant the office of a local school
10 council member who fails to complete the 3-day training program
11 provided under this Section within the 6 month period allowed.
12 Any such vacancy shall be filled as provided in subsection (o)
13 of Section 34-2.1 by appointment of another person qualified to
14 hold the office. ~~In addition to requiring local school council~~
15 ~~members to complete the 3-day training program under this~~
16 ~~Section, the board may encourage local school council members~~
17 ~~to complete additional training during their term of office and~~
18 ~~shall provide recognition for individuals completing that~~
19 ~~additional training. The board is authorized to collaborate~~
20 ~~with universities, non-profits, and other interested~~
21 ~~organizations and individuals to offer additional training to~~
22 ~~local school council members on a regular basis during their~~
23 ~~term in office. The board shall not be required to bear the~~
24 ~~cost of the required 3-day training program or any additional~~
25 ~~training provided to local school council members under this~~
26 ~~Section.~~

1 (d) The LSC Certification Commission ~~board~~ shall also offer
2 training to aid local school councils in developing principal
3 evaluation procedures and criteria. The board shall send out
4 requests for proposals concerning this training and is
5 authorized to contract with universities, non-profits, and
6 other interested organizations and individuals to provide this
7 training. ~~The board is authorized to use funds from private~~
8 ~~organizations, non profits, or any other outside source as well~~
9 ~~as its own funds for this purpose.~~

10 (e) The LSC Certification Commission may request and, upon
11 such request, the board of education shall budget and
12 distribute such funds as are equal to the total allocations for
13 the certification of local school council members under this
14 Section in the year immediately prior. Upon a majority vote of
15 the LSC Certification Commission, that request may exceed the
16 prior year's allocations by 2%.

17 (Source: P.A. 90-100, eff. 7-11-97; 91-622, eff. 8-19-99.)

18 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

19 Sec. 34-2.4b. Limitation upon applicability. The
20 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~
21 ~~and 34-8.3, and those~~ provisions of paragraph 1 of Section
22 34-18 and paragraph (c) of Section 34A-201a relating to the
23 allocation or application -- by formula or otherwise -- of lump
24 sum amounts and other funds to attendance centers, shall not
25 apply to attendance centers that have applied for and been

1 designated as a "Small School" by the Board, the Cook County
2 Juvenile Detention Center and Cook County Jail schools, nor to
3 the district's alternative schools for pregnant girls, nor to
4 alternative schools established under Article 13A, nor to a
5 contract school, nor to the Michael R. Durso School, the
6 Jackson Adult Center, the Hillard Adult Center, the Alternative
7 Transitional School, or any other attendance center designated
8 by the Board as an alternative school, provided that the
9 designation is not applied to an attendance center that has in
10 place a legally constituted local school council, except for
11 contract turnaround schools. ~~The board of education shall have
12 and exercise with respect to those schools and with respect to
13 the conduct, operation, affairs and budgets of those schools,
14 and with respect to the principals, teachers and other school
15 staff there employed, the same powers which are exercisable by
16 local school councils with respect to the other attendance
17 centers, principals, teachers and school staff within the
18 district, together with all powers and duties generally
19 exercisable by the board of education with respect to all
20 attendance centers within the district. The board of education
21 shall develop appropriate alternative methods for involving
22 parents, community members and school staff to the maximum
23 extent possible in all of the activities of those schools, and
24 may delegate to the parents, community members and school staff
25 so involved the same powers which are exercisable by local
26 school councils with respect to other attendance centers.~~

1 (Source: P.A. 96-105, eff. 7-30-09.)

2 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

3 Sec. 34-8.3. Remediation and probation of attendance
4 centers.

5 (a) The general superintendent shall monitor the
6 performance of the attendance centers within the district and
7 shall identify attendance centers, pursuant to criteria that
8 the board shall establish, in which:

9 (1) there is a failure to develop, implement, or comply
10 with a school improvement plan;

11 (2) there is a pervasive breakdown in the educational
12 program as indicated by factors, including, but not limited
13 to, the absence of improvement in student reading and math
14 achievement scores, an increased drop-out rate, a
15 decreased graduation rate, and a decrease in rate of
16 student attendance;

17 (3) (blank); or

18 (4) there is a failure or refusal to comply with the
19 provisions of this Act, other applicable laws, collective
20 bargaining agreements, court orders, or with Board rules
21 which the Board is authorized to promulgate.

22 (b) If the general superintendent identifies a
23 nonperforming school as described herein, he or she shall place
24 the attendance center on remediation by developing a
25 remediation plan for the center. The purpose of the remediation

1 plan shall be to correct the deficiencies in the performance of
2 the attendance center by one or more of the following methods:

3 (1) drafting a new school improvement plan;

4 (2) applying to the board for additional funding for
5 training for the local school council;

6 (3) directing implementation of a school improvement
7 plan;

8 (4) mediating disputes or other obstacles to reform or
9 improvement at the attendance center.

10 Nothing in this Section removes any authority of the local
11 school council, which shall retain the right to reject or
12 modify any school improvement plan or implementation thereof.

13 If, however, the general superintendent determines that
14 the problems are not able to be remediated by these methods,
15 the general superintendent shall place the attendance center on
16 probation. The board shall establish guidelines that determine
17 the factors for placing an attendance center on probation.

18 (c) Each school placed on probation shall have a school
19 improvement plan and school budget for correcting deficiencies
20 identified by the board. The plan shall include specific steps
21 that the local school council and school staff must take to
22 correct identified deficiencies and specific objective
23 criteria by which the school's subsequent progress will be
24 determined. The school budget shall include specific
25 expenditures directly calculated to correct educational and
26 operational deficiencies identified at the school by the

1 probation team.

2 (d) Schools placed on probation that, after a maximum of
3 one year, fail to make adequate progress in correcting
4 deficiencies are subject to the following actions by the
5 general superintendent with the approval of the board, after
6 opportunity for a hearing:

7 (1) Ordering new local school council elections.

8 (2) Removing and replacing the principal.

9 (3) Replacement of faculty members, subject to the
10 provisions of Section 24A-5.

11 (4) Reconstitution of the attendance center and
12 replacement and reassignment by the general superintendent
13 of all employees of the attendance center.

14 (5) Intervention under Section 34-8.4.

15 (5.5) Operating an attendance center as a contract
16 turnaround school.

17 (6) Closing of the school.

18 Any action proposed or approved under this subsection (d) is
19 subject to veto by a supermajority of 8 of the voting members
20 of the local school council.

21 (e) Schools placed on probation shall remain on probation
22 from year to year until deficiencies are corrected, even if
23 such schools make acceptable annual progress. The board shall
24 establish, in writing, criteria for determining whether or not
25 a school shall remain on probation. Such criteria shall be
26 delivered to each local school council on or before August 1 of

1 each year. If academic achievement tests are used as the factor
2 for placing a school on probation, the general superintendent
3 shall consider objective criteria, not just an increase in test
4 scores, in deciding whether or not a school shall remain on
5 probation. These criteria shall include attendance, test
6 scores, student mobility rates, poverty rates, bilingual
7 education eligibility, special education, and English language
8 proficiency programs, with progress made in these areas being
9 taken into consideration in deciding whether or not a school
10 shall remain on probation.

11 (f) Where the board has reason to believe that violations
12 of civil rights, or of civil or criminal law have occurred, or
13 when the general superintendent deems that the school is in
14 educational crisis it may take immediate corrective action,
15 including the actions specified in this Section, without first
16 placing the school on remediation or probation. Nothing
17 described herein shall limit the authority of the board as
18 provided by any law of this State. The board shall develop
19 criteria governing the determination regarding when a school is
20 in educational crisis. Such criteria shall be delivered to each
21 local school council on or before August 1 of each year. An
22 action under subsection (d) of this Section shall be subject to
23 veto by a supermajority of 8 of the voting members of the local
24 school council.

25 (g) All persons serving as subdistrict superintendent on
26 May 1, 1995 shall be deemed by operation of law to be serving

1 under a performance contract which expires on June 30, 1995,
2 and the employment of each such person as subdistrict
3 superintendent shall terminate on June 30, 1995. The board
4 shall have no obligation to compensate any such person as a
5 subdistrict superintendent after June 30, 1995.

6 (h) The general superintendent shall, in consultation with
7 local school councils, conduct an annual evaluation of each
8 principal in the district pursuant to guidelines promulgated by
9 the Board of Education.

10 (Source: P.A. 96-105, eff. 7-30-09.)

11 (105 ILCS 5/34-8.4)

12 Sec. 34-8.4. Intervention. The Chicago Schools Academic
13 Accountability Council may recommend to the Chicago School
14 Reform Board of Trustees that any school placed on remediation
15 or probation under Section 34-8.3 or schools that for the 3
16 consecutive school years of 1992-1993, 1993-1994, and
17 1994-1995 have met the State Board of Education's category of
18 "does not meet expectations" be made subject to intervention
19 under this Section 34-8.4. In addition to any powers created
20 under this Section, the Trustees shall have all powers created
21 under Section 34-8.3 with respect to schools subjected to
22 intervention.

23 Prior to subjecting a school to intervention, the Trustees
24 shall conduct a public hearing and make findings of facts
25 concerning the recommendation of the Chicago Schools Academic

1 Accountability Council and the factors causing the failure of
2 the school to adequately perform. The Trustees shall afford an
3 opportunity at the hearing for interested persons to comment
4 about the intervention recommendation. After the hearing has
5 been held and completion of findings of fact, the Trustees
6 shall make a determination whether to subject the school to
7 intervention.

8 If the Trustees determine that a school shall be subject to
9 intervention under this Section, the Trustees shall develop an
10 intervention implementation plan and shall cause a performance
11 evaluation to be made of each employee at the school. Upon
12 consideration of such evaluations, and consistent with the
13 intervention implementation plan, the Trustees may reassign,
14 layoff, or dismiss any employees at the attendance center,
15 notwithstanding the provisions of Sections 24A-5 and 34-85.

16 The chief educational officer shall appoint a principal for
17 the school and shall set the terms and conditions of the
18 principal's contract, which in no case may be longer than 2
19 years. The principal shall select all teachers and
20 non-certified personnel for the school as may be necessary. Any
21 provision of Section 34-8.1 that conflicts with this Section
22 shall not apply to a school subjected to intervention under
23 this Section.

24 If pursuant to this Section, the general superintendent,
25 with the approval of the board, orders new local school council
26 elections, the general superintendent shall carry out the

1 responsibilities of the local school council for a school
2 subject to intervention until the new local school council
3 members are elected and trained.

4 Any action authorized by this Section must be vetoed by a
5 supermajority vote of 8 of the voting members of the local
6 school council for the attendance center affected by the
7 action.

8 Each school year, 5% of the supplemental general State aid
9 funds distributed to a school subject to intervention during
10 that school year under subsection 5(i)(1)(a) of part A of
11 Section 18-8 or subsection (H) of Section 18-8.05 shall be used
12 for employee performance incentives. The Trustees shall
13 prepare a report evaluating the results of any interventions
14 undertaken pursuant to this Section and shall make
15 recommendations concerning implementation of special programs
16 for dealing with underperforming schools on an ongoing basis.
17 This report shall be submitted to the State Superintendent of
18 Education and Mayor of the City of Chicago by January 1, 1999.

19 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;
20 90-548, eff. 1-1-98.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

105 ILCS 5/2-3.25d

from Ch. 122, par. 2-3.25d

4

105 ILCS 5/27A-5

5

105 ILCS 5/34-2.1

from Ch. 122, par. 34-2.1

6

105 ILCS 5/34-2.2

from Ch. 122, par. 34-2.2

7

105 ILCS 5/34-2.3

from Ch. 122, par. 34-2.3

8

105 ILCS 5/34-2.3b

9

105 ILCS 5/34-2.4b

from Ch. 122, par. 34-2.4b

10

105 ILCS 5/34-8.3

from Ch. 122, par. 34-8.3

11

105 ILCS 5/34-8.4